



2877

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Janik, Gary R. et al.
Assignee: KLA-Tencor Corporation
Title: Laser-Based Cleaning Device for Film Analysis Tool
Serial No.: 10/056,271 Art Unit.: 2877
Filed: January 23, 2002 Examiner: Gordon J. Stock, Jr.

March 24, 2004

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the outstanding Office Action dated February 24, 2004, in which the Examiner imposed a restriction requirement to election of invention for the above-referenced application, Applicant elects to prosecute the invention as in Claims 21, 24, 44, and 47, which are drawn to Species 1 (see remarks on species characterization below). Applicant reserves the right to file divisional applications on the non-elected claims.

However, Applicants respectfully traverse the Examiner's characterization of both Species 1 and Species 2. With regard to Species 1, the Examiner states that "Figs. 2a and 2b are directed to ... a film analysis system comprising **an optically based module** that performs a two-step film analysis process." (Emphasis added.) However, as described in the specification as originally filed at page 10, paragraph 0024:

For explanatory purposes, Fig. 2b depicts analysis module 240 as including a xenon lamp 241, a rotating polarizer 242, a focusing mirror 243, a fixed polarizer 244, a spectrometer 245, and a CCD detector 246 for performing a spectroscopic ellipsometry analysis. However, **analysis module 240 can comprise a system or systems for any type of analysis** that would benefit from removal of contaminant layer 213, including SWE, SE, reflectometry (optical or x-ray), GXR, XRF, EMP, and **non-contact or contact-based electrical analysis**, among others. (Emphasis added.)

Thus, the "two-step analysis process" of Species 1 is explicitly not limited to optical analyses.

Similarly, while the Examiner states that with regard to Species 2, "Figs. 3a and 3b are directed to ... a film analysis system comprising an electrically based analysis module that performs a three-step film analysis operation," the specification as originally filed at page 14, paragraph 33 states that:

However, **analysis module 340 can comprise a system or systems for any type of analysis** that would benefit from removal of contaminant layer 313, **including SWE, SE, reflectometry, GXR, XRF, EMP**, and non-contact or contact-based electrical analysis, among others. (Emphasis added.)

Thus, the "three-step film analysis" of Species 2 is explicitly not limited to "electrically based" analyses.

In summary, neither Species 1 nor Species 2 in the present application are limited to a particular analysis type. Accordingly, while the Examiner states that "[c]urrently, claims 1, 8-13, 15-19, 27-28, 35, 41-43, and 50 are generic," it is submitted that Claims 1-20, 27-37, 41-43, and 50 are generic. Applicants respectfully request that the Examiner provide an updated characterization of Species 1 and 2 in light of the above remarks.

Respectfully submitted,



John M. Kubodera
Reg. No. 45,984
Attorney for Applicants

Customer No.: 32357
Tel. No.: (408) 451-5903
Fax No.: (408) 451-5908

I hereby certify that this correspondence is being deposited with the United States Postal Service as FIRST CLASS MAIL in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 24, 2004.

3/24/2004
Date

Rebecca A. Baumann
Signature: Rebecca A. Baumann